

CHAPTER 16  
FORMERLY  
HOUSE BILL NO. 12

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE CONFISCATED CONTRABAND INTERDICTION FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6562(b), Title 11 of the Delaware Code by making insertions as shown by underlining and deletions shown as strike through as follows:

The General Assembly hereby declares that in order to provide funds to combat the unlawful trafficking of drugs, unlawful gambling activities and gang activities within secure correctional facilities, Multi Purpose Criminal Justice Facility, the Sussex Correctional Institution and the James T. Vaughn Correctional Center, it is necessary to create a separate special fund within the Bureau of Prisons, ~~at each of the 3 institutions~~. All monies collected as contraband or from the proceeds of the auction or sale of property confiscated from the inmate population at each of these ~~3~~ institutions shall be set aside into a special fund. Each This special fund ~~set up at the 3 institutions~~ is hereby created within the office of the Bureau Chief of Prisons and shall be known as the Confiscated Contraband Interdiction Fund.

(1) Use of funds. -- ~~The use of the money from this special fund must be for the purpose declared herein as such requires the use of United States currency for~~ Funds deposited into the Confiscated Contraband Interdiction Fund shall be expended only to procure, sustain, and maintain the adequacy of investigative and security operations within the Bureau of Prisons, ~~purchase, training and maintenance of the Canine Unit at the Multi Purpose Criminal Justice Facility, the Sussex Correctional Institution and the James T. Vaughn Correctional Center and the purchase of equipment used in the investigation of crimes committed within the James T. Vaughn Correctional Center.~~

(2) Creation of fund. -- Upon the confiscation of any moneys or upon the receipt of the proceeds from any auction or commercially reasonable sale of confiscated property obtained as a result of any investigation, interdiction, or prosecution of disciplinary, civil, or criminal violations at the facilities listed herein ~~shakedowns and other security investigations~~, the same ~~shall be paid over to the support services manager at Multi Purpose Criminal Justice Facility, the Sussex Correctional Institution and the James T. Vaughn Correctional Center to~~ shall be placed in the special fund Confiscated Contraband Interdiction Fund. All auctions or sales of confiscated property as authorized herein shall be administered and approved by the Bureau Chief of Prisons.

(3) Disbursement of fund. -- The disbursement of the funds from this account shall be made ~~by the support services manager~~ only upon approval by the Bureau Chief of Prisons, ~~s of the Multi Purpose Criminal Justice Facility, the Sussex Correctional Institution and the James T. Vaughn Correctional Center~~. All requests for funds must be by written application and on a form designed for such purpose. This application and authorization form must include the following:

- a. The amount of funds requested;
- b. The anticipated purpose for which such funds are requested;
- c. The name of the person requesting the funds and the name of the person who shall be responsible for keeping accurate records as to the use of the funds.

The ~~wardens~~ Bureau Chief of Prisons ~~Multi Purpose Criminal Justice Facility, the Sussex Correctional Institution and the James T. Vaughn Correctional Center~~ shall determine whether or not the expressed purpose for the expenditure requested is within the purposes ~~proposes~~ allowed under this section and, ~~further~~, whether the proposed expenditure of funds for the expressed purpose will be in the best interests ~~for each of the 3 institutions~~ of the Bureau of Prisons. If the Bureau Chief of Prisons ~~warden at each institution~~ determines that the proposed expenditure meets those criteria, the Bureau Chief of Prisons may authorize the expenditure in whole or in part and only then shall the funds be expended as requested.

(4) Accounting of funds. -- Funds obtained ~~by the Multi Purpose Criminal Justice Facility, the Sussex Correctional Institution and the James T. Vaughn Correctional Center~~ pursuant to this subchapter shall be used only for the purposes set out in paragraph (1) of this section. Any and all funds shall be accounted for by the support services manager on or before June 30 of each year. The ~~administrative officer~~ Bureau Chief of Prisons shall ~~submit~~ maintain a full and complete accounting for the use of such funds, ~~to the warden at each of the institutions.~~

~~Funds from the special fund may be used for the following:~~

- ~~a. Purchase of K-9 dogs.~~
- ~~b. Equipment for the maintenance of the Canine Unit.~~
- ~~c. Equipment needed to investigate criminal activities at the Multi Purpose Criminal Justice Facility, the Sussex Correctional Institution and the James T. Vaughn Correctional Center.~~
- ~~d. Medical expenses for the animals in the Canine Unit.~~
- ~~e. Purchases made by the institutional investigator in the pursuance of an investigation into contraband, the introduction of contraband into the Multi Purpose Criminal Justice Facility, the Sussex Correctional Institution and the James T. Vaughn Correctional Center and gang related activities.~~

(5) Review of records. -- Any funds requested and disbursed shall be accounted for through an itemized report by the Bureau Chief of Prisons to the Commissioner of Correction due no later than July 31 of each year ~~from the support services manager to each of the wardens at the 3 institutions~~ which details each request and

expenditure from the prior fiscal year.

(6) Excess funds. -- If at any time the fund aggregated in this special fund exceeds \$10,000, the excess shall be deposited in the General Fund.

Approved May 03, 2013